

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	
)	
CEMEX)	NOTICE OF VIOLATION
Charlevoix, Michigan)	
)	EPA-02-MI-02
Proceedings Pursuant to)	
Section 113(a)(1) of the)	
Clean Air Act,)	
42 U.S.C. § 7413(a)(1))	
_____)	

NOTICE OF VIOLATION

The Administrator of the United States Environmental Protection Agency (U.S. EPA), is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act (Act). U.S. EPA finds that CEMEX is violating the Michigan State Implementation Plan (SIP) regulations R336.1201.

Statutory and Regulatory Background

1. On May 6, 1980, U.S. EPA approved R336.1201 (Rule 201) as part of the federally enforceable SIP for Michigan. 45 FR 29790.
2. Rule 201 states that a person shall not construct, reconstruct, relocate, or alter any process, fuel-burning, or refuse-burning equipment, or control equipment pertaining thereto, which may be a source of an air contaminant, until a permit is issued by the commission.

Factual Background

3. CEMEX owns and operates a portland cement plant located at 16000, Bells Bay Road, Charlevoix, Michigan.
4. CEMEX's plant is subject to the requirements set forth in the Michigan SIP Rule 201.

Violation

5. CEMEX has installed three dust collectors identified as DC4, DC5, and DC6 without having first obtained a permit to install as required under Rule 201.

12-31-01

Date



Bharat Mathur, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Finding of Violation and a Notice of Violation by Certified Mail, Return Receipt

Requested, to:


Mr. Stuart Tomlinson
Plant Manager
CEMEX
16000 Bells Bay Road
Charlevoix, Michigan 49720

I also certify that I sent copies of the Finding of Violation and Notice of Violation by first class mail to:

Mr. Timothy J. McGarry
Enforcement Unit Chief
Air Quality Division
Michigan Department of Environmental Quality
P.O. Box 30260
Lansing, Michigan 48909-7760

Janis Denman, Supervisor
Cadillac District Office
120 W. Chapin Street
Cadillac, Michigan 49601

on the 31 day of December, 2001.


Shanee Rucker, Secretary
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7099 3400 0000 9586 3214